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09/750,142	12/29/2000	Stephane Bouet	004770.00742	6770
22907	7590	08/22/2006	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			DIVECHA, KAMAL B	
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			2151	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/750,142	Applicant(s) BOUET, STEPHANE	
	Examiner KAMAL B. DIVECHA	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Claims 1-48 are pending in this application.

Applicant's arguments with respect to claims 1-48 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-11, 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2-11 recites the limitation “said user input device” and “said output device” in the claims. There is insufficient antecedent basis for this limitation in the claim.

Claims 14-16 recites the limitation “said external data interface” in the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-10, 13, 14, 17, 18, 20-24, 26-29, 31-35 and 40-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan (U. S. Patent No. 5,963,916) in view of Schnase et al. (hereinafter Schnase, U. S. Patent No. 6,078,928).

As per claim 1, Kaplan discloses a media content delivery system (fig. 1-2), comprising:
a service point device database for storing a plurality of media files (col. 5 L64 to col. 6 L1);
an input interface for selecting media files from the plurality of media files presently stored in said service point device database to be outputted (col. 5 L64 to col. 6 L15);
an output interface for outputting of selected media files (col. 7 L32-42 and fig. 2);
a data interface for receiving media files for storage in the service point device database (col. 9 L4 to col. 10 L3);
an integrated circuit card interface adapted to hold an integrated circuit card having encoded thereon criteria for accepting media files for storage in said database (col. 6 L63 to col. 7 L2, col. 10 L31-50); and
a media content delivery service point controller, responsive to selection by said input interface of at least one of the selected media files presently stored in said database, to apply the selected media file to said output interface for outputting (col. 7 L32-42, col. 11 L2-46), and the

Art Unit: 2151

media content delivery service point controller is further adapted to store in said service point database the received media files received by said data interface (col. 9 L4 to col. 10 L3); and wherein

the plurality of media files stored by the service point device database are not stored in the integrated circuit board (col. 9 L5 to col. 10 L3).

However, Kaplan does not teach the process wherein responsive to receipt by said data interface of media files, to compare each of the received media files received from the interface with the criteria from the integrated circuit card.

Schnase, from the same field of endeavor, discloses the process wherein the user interests are recorded in an integrated circuit card or smart card to create a personalized profile for each visitor that is used to track and identify user interests in the information (col. 4 L5-51, fig. 1, fig. 3A-fig. 3C, col. 7 L30-67). Schnase further teaches the process of extracting the information (i.e. data, content, audio, video, text) from a content database using the exhibit indexes or the item indexes (i.e. identifications) stored within the interest profile on the portable information storage device (i.e. a smart card, note that this process of extracting the information by using the indexes involves the process of comparing the criteria with the information at the content database, col. 10 L21-67, col. 13 L60 to col. 14 L47).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Kaplan in view of Schnase in order to store a profile and/or criteria in an integrated circuit card for filtering the media and/or files.

One of ordinary skilled in the art would have been motivated because it would have allowed information providers or others to offer uniquely tailored information, products and

Art Unit: 2151

services to visitors and/or users based on the interests revealed by the interest profiles stored on the smart card (Schnase, col. 4 L4-51).

As per claim 2, Kaplan discloses the process wherein said user input device comprises a keyboard (col. 10 L31-42).

As per claim 3, Kaplan discloses the process wherein said user input device comprises a mouse (col. 12 L23-37, col. 11 L10-20).

As per claim 4, Kaplan discloses the process wherein said user input device comprises an electronic interface (col. 11 L10-20).

As per claim 5, Kaplan discloses the process wherein said output device comprises a video output device (col. 7 L32-42, fig. 1-2).

As per claim 6, Kaplan discloses the process wherein said output device comprises an audio output device (col. 7 L32-42).

As per claim 7, Kaplan discloses the process wherein said output device comprises an electronic interface (col. 7 L32-42).

As per claim 8, Kaplan discloses the process wherein said external data interface comprises a wire connection (fig. 7).

As per claim 9, Kaplan discloses the process further comprising a server connected to said wire connection (fig. 7).

As per claim 10, Kaplan discloses the process further comprising a computer connected to said server (fig. 2 and fig. 7).

As per claim 13, Kaplan discloses the process further comprising a computer connected to said server (fig. 2, fig. 7 and col. 15 L5-11).

As per claim 14, Kaplan discloses the process wherein said external data interface comprises a compact disc read only memory drive (col. 4 L47-50, col. 6 L15-64).

As per claim 17, Kaplan discloses the process wherein said integrated circuit card interface is adapted to hold an integrated circuit card having encoded thereon criteria identifying an e-mail address (col. 10 L19-65), and said external data interface is adapted to receive e-mail for the identified e-mail address (col. 16 L1-25).

As per claim 18, Kaplan discloses the process further comprising an integrated circuit card having encoded thereon criteria for accepting media files for storage in said database (col. 6 L63 to col. 7 L10, col. 10 L31-65).

As per claim 20, Kaplan discloses the process wherein the criteria include an e-mail address (col. 10 L19-65).

As per claim 21, Kaplan discloses the process further comprising a kiosk housing said database, said user input device, said output device, said integrated circuit card interface, said external data interface, and said controller (fig. 1-2, col. 9 L4 to col. 10 L50).

As per claim 23, Kaplan discloses the process wherein step (b) comprises connecting the media content delivery system to an external data source, and receiving the at least one media file from the external data source (col. 9 L4 to col. 10 L3).

As per claim 24, Kaplan discloses the process wherein step (b) comprises connecting the media content delivery system to the external data source by a wire connection (fig. 3, fig. 7 and col. 9 L4 to col. 10 L4).

As per claim 26, Kaplan discloses the process wherein step (b) comprises connecting the media content delivery system to a server (fig. 7).

Art Unit: 2151

As per claim 27, Kaplan discloses the process wherein step (b) comprises connecting the media content delivery system to a computer (fig. 7 and col. 15 L4-11).

As per claim 28, Kaplan discloses the process wherein step (b) comprises receiving an audio file (col. 9 L36-67).

As per claim 29, Kaplan discloses the process wherein step (b) comprises receiving a video file (col. 7 L32-42).

As per claim 31, Kaplan discloses the process wherein step (b) comprises receiving a movie (col. 7 L32-42).

As per claim 32, Kaplan discloses the process wherein step (b) comprises receiving a text file (col. 9 L36-64, col. 17 L33-40).

As per claim 33, Kaplan discloses the process wherein the text file is a newspaper (col. 11 L59 to col. 12 L24, col. 17 L33-46).

As per claim 34, Kaplan discloses the process wherein the text file is an e-mail file (col. 16 L14-25).

As per claim 35, Kaplan discloses the process wherein the media content delivery system includes a compact disc read only memory drive, and step (b) comprises inserting a compact disc read only memory into the compact disc read only memory drive, and receiving the at least one media file from the compact disc read only memory (col. 5 L65 to col. 6 L63).

As per claim 40, Kaplan does not disclose the process wherein the criteria comprises an identification of at least one type of file which may be accepted for storage in said service point device database.

Art Unit: 2151

Schnase, from the same field of endeavor discloses the process wherein the interest profile (i.e. criteria) comprises identification (i.e. indexes) of at least one type of file that may be accepted for viewing and storage (col. 10 L21-67, col. 13 L60 to col. 14 L47).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Kaplan in view of Schnase in order to include identification of at least one type of file that may be accessed and stored in the database.

One of ordinary skilled in the art would have been motivated because of the same reasons as set forth in claim 1.

As per claim 47, Kaplan discloses a method for updating files on a service point database of a media content delivery service point device including a media content delivery service point controller, the method comprising:

recognizing receipt at the media delivery service point device of an integrated circuit card having encoded thereon acceptance criteria for accepting a plurality of media files (col. 6 L63 to col. 7 L2, col. 10 L31-50);

connecting to a source for the plurality of media files (fig. 7);

receiving at the media content delivery service point device the plurality of media files (col. 9 L5 to col. 10 L3);

storing in the service point device database of the media content delivery system the first media file without storing the first media file on the integrated circuit card (col. 9 L5 to col. 10 L3).

Art Unit: 2151

However, Kaplan does not disclose the process of determining whether a first media file, the second media file and the third media file of the plurality of media files meets the acceptance criteria encoded on the integrated circuit card.

Schnase, from the same field of endeavor discloses the process of determining whether a first, second, third and nth media file meets the acceptance criteria, interests or profile information of the user interest profile stored in the integrated circuit card (fig. 1 item #1, fig. 3A-3C, fig. 5, fig. 8, and col. 10 L21-67, col. 13 L60 to col. 14 L47).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Kaplan in view of Schnase in order to determine whether the plurality of media files meets the acceptance criteria.

One of ordinary skilled in the art would have been motivated because of the same reasons as set forth in claim 1.

As per claims 22, 41-46 and 48, they do not teach or further define over the limitations in claims 1-10, 13, 14, 17, 18, 20, 21, 23, 24, 26-29, 31-35, 40 and 47. Therefore claims 18, 22, 41-46 and 48 are rejected for the same reasons as set forth in claims 1-10, 13, 14, 17, 18, 20-24, 26-29, 31-35, 40 and 47.

Art Unit: 2151

2. Claims 11, 12, 15, 16, 19, 25, 30, 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan (U. S. Patent No. 5,963,916) in view of Schnase et al. (hereinafter Schnase, U. S. Patent No. 6,078,928), and further in view of Reisman (U. S. Patent No. 6,594,692 B1).

As per claim 12, Kaplan in view of Schnase does not disclose the system wherein a media content delivery device is connected to a sever via wireless connection.

Reisman, from the same field of endeavor discloses the system wherein the server is connected to a kiosk via a wireless network (col. 5 L37-47, col. 30 L1-4).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Kaplan and Schnase in view of Reisman in order to connect the server to the kiosk through a wireless network.

One of ordinary skilled in the art would have been motivated because wireless network are very well known and obvious for providing communications.

As per claim 19, Kaplan in view of Schnase does not disclose the system wherein the criteria are encrypted.

Reisman, from the same field of endeavor discloses the process of encrypting objects (col. 8 L24-38).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Kaplan and Schnase in view of Reisman in order to encrypt the criteria.

One of ordinary skilled in the art would have been motivated because of security reasons.

Art Unit: 2151

As per claim 30, Kaplan in view of Schnase does not disclose the process of receiving a video game.

Reisman, from the same field of endeavor discloses the process of receiving a video game at the terminal (col. 1 L20-32, col. 38 L556-64).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Kaplan and Schnase in view of Reisman in order to receive the video game at the kiosk.

One of ordinary skilled in the art would have been motivated because it would have enabled providers to provide services on the web (Schnase, col. 38 L56-63).

As per claim 36, Kaplan in view of Schnase does not disclose the process wherein the media content delivery system includes a digital video disc drive, and step (b) comprises inserting a digital video disc into the digital video disc drive, and receiving the at least one media file from the digital video disc.

Reisman, from the same field of endeavor discloses the process wherein the media content delivery system includes a digital video disc drive, and step (b) comprises inserting a digital video disc into the digital video disc drive, and receiving the at least one media file from the digital video disc (col. 41 L3-14, col. 42 L8-17).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Kaplan and Schnase in view of Reisman in order download the media file through dvd.

One of ordinary skilled in the art would have been motivated because it would have manually downloaded the files into the database.

As per claim 37, Kaplan in view of Schnase does not disclose the process wherein the media content delivery system includes a computer disk drive, and step (b) comprises inserting a computer disk into the computer disk drive, and receiving the at least one media file from the computer disk.

Reisman, from the same field of endeavor discloses the process wherein the media content delivery system includes a computer disk drive, and step (b) comprises inserting a computer disk into the computer disk drive, and receiving the at least one media file from the computer disk (fig. 12, col. 41 L3-14, col. 42 L8-17).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Kaplan and Schnase in view of Reisman in order to download the media files from the disk.

One of ordinary skilled in the art would have been motivated because of the same reasons as set forth in claim 36.

As per claim 38, Kaplan in view of Schnase does not disclose a system comprising a mobile wireless device using a short range communication link coupling the mobile wireless device to said service point device database.

Reisman, from the same field of endeavor discloses a system comprising a mobile wireless device using a short range communication link coupling the mobile wireless device to said service point device database (col. 1 L63 to col. 2 L16, col. 11 L18-31).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Kaplan and Schnase in view of Reisman in order to provide a mobile wireless device in communication with the service database.

One of ordinary skilled in the art would have been motivated because wireless networks are more convenient in terms of the connection.

As per claim 39, Kaplan in view of Schnase does not disclose the system wherein the mobile device uses a Bluetooth link coupling the mobile device to the service point database.

But, Bluetooth technology is well known and obvious in the art (applicant admitted prior art, specification, page 1).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Kaplan in view of Schnase in order to include a wireless device, wherein the wireless device communicates with the service point database through a wireless link such as Bluetooth connection.

One of ordinary skilled in the art would have been motivated because Bluetooth provides an efficient communication for short distances.

As per claims 11, 15, 16, 25, they do not teach or further define over the limitations in claims 12, 19, 30 and 36-39. Therefore claims 11, 15, 16 and 25 are rejected for the same reasons as set forth in claims 12, 19, 30 and 36-39.

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Carey et al., US 2002/0112035 A1: System and Method for performing content experience management.
- b. Jansen et al., US 6,243,450 B1: Pay-Per Use for data-network based public access services.

Art Unit: 2151

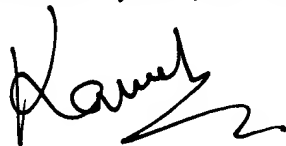
- c. Deo et al., US 6,970,891 B1: Smart Card with volatile memory file subsystem.

Conclusion

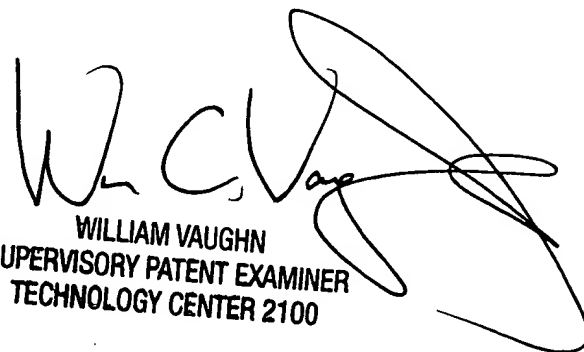
Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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August 16, 2006.



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